

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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GERARD KELLY,

Plaintiff,

v.

INCORPORATED VILLAGE OF GARDEN CITY,

Defendant.
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Case No. 18-cv-4334-JS

**AFFIRMATION OF
TERESA LEWI IN
SUPPORT OF REQUEST FOR
CERTIFICATE OF DEFAULT**

TERESA LEWI hereby declares as follows:

1. I am a member of the bar of this Court in good standing and counsel to the Plaintiff Gerard Kelly. I am an attorney with the law firm Covington & Burling LLP, The New York Times Building, 620 Eighth Avenue, New York, NY 10018.

2. I submit this affirmation pursuant to Rule 55.1 of the Civil Rules of the Eastern District of New York in support of Plaintiff's request for a certificate of default against Defendant Incorporated Village of Garden City. The matters set forth herein are true and correct to my personal knowledge, and if called as a witness, I could and would testify competently thereto.

3. This action was commenced on July 31, 2018 pursuant to the Americans with Disabilities Act.

4. On August 7, 2018, Plaintiff served the summons and complaint on Defendant Incorporated Village of Garden City by delivering a copy of the summons and complaint to Village Clerk Karen Altman, who is authorized to accept service on behalf of Defendant under New York law. *See* N.Y. C.P.L.R. § 311(a) ("Personal service upon a corporation or

governmental subdivision shall be made by delivering the summons . . . upon a village, to the mayor, clerk, or any trustee.”).

5. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), the time for Defendant Incorporated Village of Garden City to answer or otherwise move with respect to the complaint expired on August 28, 2018, 21 days after service. Defendant has not answered or otherwise moved with respect to the complaint, and the time for Defendant to answer or otherwise move was never extended.

6. Defendant Incorporated Village of Garden City is not an infant or incompetent. Defendant is not presently in the military service of the United States.

7. Defendant Incorporated Village of Garden City has failed to comply with the Americans with Disabilities Act. Plaintiff seeks injunctive relief compelling Defendant to comply with the Americans with Disabilities Act by (1) designating three on-street parking spaces reserved for people with disabilities on Seventh Street between Hilton Avenue and Franklin Avenue in the Incorporated Village of Garden City, and (2) remedying the existing ADA violations in Village parking lots 7 North and 7 South.

WHEREFORE, Plaintiff Gerard Kelly requests that the default of Defendant Incorporated Village of Garden City be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed in New York, New York on September 7, 2018.

By: s/ Teresa Lewi
Teresa Lewi

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